



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2012 REGULAR SESSION

HOUSE BILL NO. 324

THURSDAY, FEBRUARY 23, 2012

The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED

April 11, 2012

2:43 p.m.

JOHN LUNDERGAN GRIMES
SECRETARY OF STATE

COMMONWEALTH OF KENTUCKY
Mary Sue Helms

1 AN ACT relating to payments for firefighters permanently and totally disabled in
2 the line of duty and making an appropriation therefor.

3 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

4 ➔Section 1. KRS 95A.070 is amended to read as follows:

5 (1) If a firefighter as defined in KRS 61.315 is, before, on, or after July 15, 2002,
6 permanently and totally disabled as defined in KRS 342.0011 as a direct result of
7 activities in the line of duty, then the firefighter shall be entitled to receive a
8 monthly payment to be paid by the State Treasurer from the general fund
9 appropriation to the police and firefighter-life insurance category contained in
10 miscellaneous appropriations of the state/executive branch budget of:

11 (a) **Three hundred dollars (\$300)**~~Two hundred dollars (\$200)~~ to help defray the
12 costs of life insurance; and

13 (b) **Three hundred dollars (\$300)**~~Two hundred dollars (\$200)~~ to help defray the
14 costs of health insurance.

15 (2) In order to receive the monthly payment, the firefighter must present to the
16 Commission on Fire Protection Personnel Standards and Education:

17 (a) A written statement from the fire chief of the fire department under whose
18 command the firefighter was at the time of injury stating the fact that the
19 firefighter was on active duty and on assignment with that fire department
20 when the injury occurred; and

21 (b) A written statement from at least two (2) licensed and practicing physicians
22 stating that the member is totally and likely to be permanently disabled as
23 defined in KRS 342.0011; and

24 (c) Proof, in a form satisfactory to the commission, that the firefighter has either
25 or both active life and health insurance policies.

26 (3) (a) If a firefighter, either through a settlement of any kind or through any other
27 source, has life insurance provided at no cost, then the firefighter shall not be

1 eligible to receive the life insurance payment described in subsection (1)(a) of
2 this section. If a firefighter receives partial payment of life insurance, and the
3 portion of the payment that the firefighter is responsible for is less than the
4 amount stated in subsection (1) of this section, then the firefighter shall only
5 receive that portion of the payment to pay for the cost of the insurance.

6 (b) If a firefighter, either through a settlement of any kind or through any other
7 source, has health insurance provided at no cost, then the firefighter shall not
8 be eligible to receive the health insurance payment described in subsection
9 (1)(b) of this section. If a firefighter receives partial payment of health
10 insurance, and the portion of the payment that the firefighter is responsible for
11 is less than the amount stated in subsection (1) of this section, then the
12 firefighter shall only receive that portion of the payment to pay for the cost of
13 the insurance.

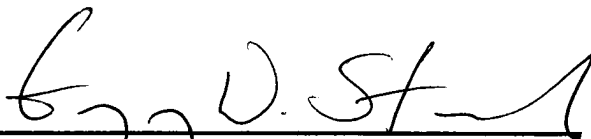
14 (4) If the firefighter should no longer be considered permanently and totally disabled as
15 defined in KRS 342.0011, or if either or both life and health insurance policies are
16 terminated, then the firefighter shall within thirty (30) days of that determination
17 notify the Commission on Fire Protection Personnel Standards and Education, in
18 writing, of that fact or facts. The commission shall then terminate the appropriate
19 subsequent payments to that firefighter. A firefighter may continue to receive
20 payments for one (1) type of insurance as long as the firefighter is still permanently
21 and totally disabled and the insurance policy is active. If the firefighter fails to
22 notify the commission within thirty (30) days and receives subsequent payments
23 under this section, the firefighter shall be responsible for repaying any payments
24 provided to the firefighter under this section from the date that the firefighter was
25 no longer considered permanently and totally disabled.

26 (5) The Commission on Fire Protection Personnel Standards and Education shall
27 promulgate administrative regulations in accordance with the provisions of KRS

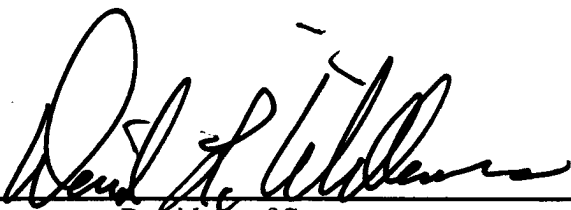
1 Chapter 13A establishing procedures and criteria applicable to the administration of
2 this section by December 31, 2002.

3 (6) Any firefighter convicted of knowingly providing false information to receive the
4 benefits in subsection (1) of this section shall be guilty of a Class D felony and shall
5 be responsible for repaying the total amount paid to the firefighter, plus interest,
6 under the provisions of this section within a time to be determined by the
7 commission. The firefighter shall also no longer be eligible to receive any payments
8 provided under this section.

9 (7) In the event sufficient funds do not exist to cover all the financial obligations of this
10 section, then the payments shall be prorated among the participants evenly.



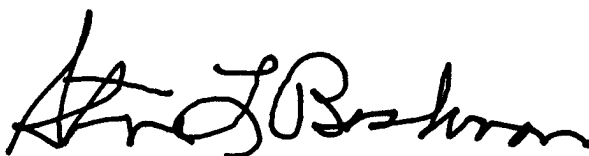
Speaker-House of Representatives



President of Senate

Attest: 

Chief Clerk of House of Representatives

Approved 

Governor

Date 4-11-12